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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3254

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; changing provisions for health professional educational
1.3 loan forgiveness program; expanding access to dental care services; amending
1.4 Minnesota Statutes 2006, sections 144.1501, subdivisions 1, 2, by adding
1.5 subdivisions; 256B.037, subdivisions 1, 1b, 4, by adding subdivisions; repealing
1.6 Minnesota Statutes 2006, section 256B.037, subdivisions 1a, 1c, 2, 5, 6.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 144.1501, subdivision 1, is amended to
1.9 read:

1.10 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions
1.11 apply.

1.12 (b) "Dental hygienist" means an individual who is licensed by the Board of Dentistry
1.13 under section 150A.06, subdivision 2, and "dental assistant" means an individual
1.14 registered with the Board of Dentistry under section 150A.06, subdivision 2a.

1.15 ~~(b)~~ (c) "Dentist" means an individual who is licensed to practice dentistry.

1.16 ~~(c)~~ (d) "Designated rural area" means:

1.17 (1) an area in Minnesota outside the counties of Anoka, Carver, Dakota, Hennepin,
1.18 Ramsey, Scott, and Washington, excluding the cities of Duluth, Mankato, Moorhead,
1.19 Rochester, and St. Cloud; or

1.20 (2) a municipal corporation, as defined under section 471.634, that is physically
1.21 located, in whole or in part, in an area defined as a designated rural area under clause (1).

1.22 ~~(d)~~ (e) "Emergency circumstances" means those conditions that make it impossible
1.23 for the participant to fulfill the service commitment, including death, total and permanent
1.24 disability, or temporary disability lasting more than two years.

2.1 ~~(e)~~ (f) "Medical resident" means an individual participating in a medical residency in
 2.2 family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

2.3 ~~(f)~~ (g) "Midlevel practitioner" means a nurse practitioner, nurse-midwife, nurse
 2.4 anesthetist, advanced clinical nurse specialist, or physician assistant.

2.5 ~~(g)~~ (h) "Nurse" means an individual who has completed training and received
 2.6 all licensing or certification necessary to perform duties as a licensed practical nurse
 2.7 or registered nurse.

2.8 ~~(h)~~ (i) "Nurse-midwife" means a registered nurse who has graduated from a program
 2.9 of study designed to prepare registered nurses for advanced practice as nurse-midwives.

2.10 ~~(i)~~ (j) "Nurse practitioner" means a registered nurse who has graduated from a
 2.11 program of study designed to prepare registered nurses for advanced practice as nurse
 2.12 practitioners.

2.13 ~~(j)~~ (k) "Pharmacist" means an individual with a valid license issued under chapter
 2.14 151.

2.15 ~~(k)~~ (l) "Physician" means an individual who is licensed to practice medicine in
 2.16 the areas of family practice, internal medicine, obstetrics and gynecology, pediatrics,
 2.17 or psychiatry.

2.18 ~~(l)~~ (m) "Physician assistant" means a person registered under chapter 147A.

2.19 ~~(m)~~ (n) "Qualified educational loan" means a government, commercial, or foundation
 2.20 loan for actual costs paid for tuition, reasonable education expenses, and reasonable living
 2.21 expenses related to the graduate or undergraduate education of a health care professional.

2.22 ~~(n)~~ (o) "Underserved urban community" means a Minnesota urban area or population
 2.23 included in the list of designated primary medical care health professional shortage areas
 2.24 (HPSAs), medically underserved areas (MUAs), or medically underserved populations
 2.25 (MUPs) maintained and updated by the United States Department of Health and Human
 2.26 Services.

2.27 Sec. 2. Minnesota Statutes 2006, section 144.1501, subdivision 2, is amended to read:

2.28 Subd. 2. **Creation of account.** (a) A health professional education loan forgiveness
 2.29 program account is established. The commissioner of health shall use money from the
 2.30 account to establish a loan forgiveness program:

2.31 (1) for medical residents agreeing to practice in designated rural areas or underserved
 2.32 urban communities or specializing in the area of pediatric psychiatry;

2.33 (2) for midlevel practitioners agreeing to practice in designated rural areas or to
 2.34 teach for at least 20 hours per week in the nursing field in a postsecondary program;

3.1 (3) for nurses who agree to practice in a Minnesota nursing home or intermediate
 3.2 care facility for persons with developmental disability or to teach for at least 20 hours per
 3.3 week in the nursing field in a postsecondary program;

3.4 (4) for other health care technicians agreeing to teach for at least 20 hours per week
 3.5 in their designated field in a postsecondary program. The commissioner, in consultation
 3.6 with the Healthcare Education-Industry Partnership, shall determine the health care fields
 3.7 where the need is the greatest, including, but not limited to, respiratory therapy, clinical
 3.8 laboratory technology, radiologic technology, and surgical technology; and

3.9 (5) for pharmacists who agree to practice in designated rural areas; ~~and.~~

3.10 (b) The commissioner shall use money from the account for loan forgiveness and
 3.11 scholarships:

3.12 ~~(6)~~ (1) for dentists agreeing who: (i) agree to deliver at least 25 20 percent of the
 3.13 dentist's yearly patient encounters to state public program enrollees or patients receiving
 3.14 sliding fee schedule discounts through a formal sliding fee schedule meeting the standards
 3.15 established by the United States Department of Health and Human Services under Code of
 3.16 Federal Regulations, title 42, section 51, chapter 303, or (ii) have been trained in a foreign
 3.17 country, received a dental license from the Board of Dentistry, and who agrees to provide
 3.18 services for a nonprofit organization, community clinic, or federally qualified health clinic
 3.19 in Minnesota for a period of at least three years.

3.20 ~~(b)~~ (c) Appropriations made to the account do not cancel and are available until
 3.21 expended, except that at the end of each biennium, any remaining balance in the account
 3.22 that is not committed by contract and not needed to fulfill existing commitments shall
 3.23 cancel to the fund.

3.24 Sec. 3. Minnesota Statutes 2006, section 144.1501, is amended by adding a subdivision
 3.25 to read:

3.26 Subd. 4a. **Dental hygienists and dental assistants.** The commissioner shall
 3.27 develop a loan forgiveness or scholarship program targeted at:

3.28 (1) dental hygienists who have entered into a collaborative agreement under section
 3.29 150A.10, subdivision 1a, with a licensed dentist that is a critical access dental provider
 3.30 under section 256B.76, and the hygienist provides or agrees to provide dental hygiene
 3.31 services in a underserved or designated rural area in Minnesota; and

3.32 (2) dental hygienists and registered dental assistants who have completed training
 3.33 in expanded restorative functions authorized under section 15A.10, subdivision 4, and
 3.34 provide services in an underserved or designated rural area in Minnesota in conjunction
 3.35 with a critical access dental provider under section 256B.76.

4.1 Sec. 4. Minnesota Statutes 2006, section 144.1501, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 7. **Dental school student scholarship program.** The commissioner may
4.4 award up to three scholarships each year to:

4.5 (1) internationally trained dental students who enroll in the Program for Advance
4.6 Standing Students at the University of Minnesota Dental School and who agree upon
4.7 graduation from the program to provide dental services through a nonprofit organization,
4.8 community clinic, or federally qualified community health center for a period of at least
4.9 three years; or

4.10 (2) current dental school students who agree upon graduation from the program to
4.11 provide dental services through a nonprofit organization, community clinic, or federally
4.12 qualified community health center for a period of at least three years.

4.13 Scholarships awarded under the program must be at least \$30,000 each year that the
4.14 graduates provide care under the scholarship agreement.

4.15 Sec. 5. Minnesota Statutes 2006, section 256B.037, subdivision 1, is amended to read:

4.16 Subdivision 1. **Contract for dental services.** The commissioner ~~may conduct a~~
4.17 ~~demonstration project to contract, on a prospective per capita payment basis, shall contract~~
4.18 ~~with an organization or organizations licensed under chapter 62C, 62D, or 62N for the~~
4.19 ~~provision of all dental care services beginning July 1, 1994 2009, under the medical~~
4.20 ~~assistance, general assistance medical care, and MinnesotaCare programs, or when~~
4.21 ~~necessary waivers are granted by the secretary of health and human services, whichever~~
4.22 ~~occurs later. The commissioner shall identify a geographic area or areas, including both~~
4.23 ~~urban and rural areas, where access to dental services has been inadequate, in which to~~
4.24 ~~conduct demonstration projects.~~ The commissioner shall seek any federal waivers or
4.25 approvals necessary to implement this section from the secretary of health and human
4.26 services.

4.27 ~~The commissioner may exclude from participation in the demonstration project any~~
4.28 ~~or all groups currently excluded from participation in the prepaid medical assistance~~
4.29 ~~program under section 256B.69. Except for persons excluded from participation in~~
4.30 ~~the demonstration project, all persons who have been determined eligible for medical~~
4.31 ~~assistance, general assistance medical care and, if applicable, MinnesotaCare and reside~~
4.32 ~~in the designated geographic areas are required to enroll in a dental plan to receive their~~
4.33 ~~dental care services.~~ Except for emergency services or out-of-plan services authorized by
4.34 the dental plan, recipients must receive their dental services from dental care providers
4.35 who are part of the dental plan provider network.

5.1 The commissioner shall select ~~either multiple dental plans or~~ a single dental plan
 5.2 ~~in a designated area~~ to administer dental care delivery for the entire state. A dental
 5.3 plan under contract with the department must serve ~~both~~ medical assistance recipients,
 5.4 ~~and~~ general assistance medical care recipients in a designated geographic area, and
 5.5 ~~may serve MinnesotaCare recipients. The commissioner may limit the number of dental~~
 5.6 ~~plans with which the department contracts within a designated geographic area, taking~~
 5.7 ~~into consideration the number of recipients within the designated geographic area; the~~
 5.8 ~~number of potential dental plan contractors; the size of the provider network offered by~~
 5.9 ~~dental plans; the dental care services offered by a dental plan; qualifications of dental~~
 5.10 ~~plan personnel; accessibility of services to recipients; dental plan assurances of recipient~~
 5.11 ~~confidentiality; dental plan marketing and enrollment activities; dental plan compliance~~
 5.12 ~~with this section; dental plan performance under other contracts with the department to~~
 5.13 ~~serve medical assistance, general assistance medical care, or MinnesotaCare recipients;~~
 5.14 ~~or any other factors necessary to provide the most economical care consistent with high~~
 5.15 ~~standards of dental care.~~

5.16 For purposes of this section, "dental plan" means an organization licensed under
 5.17 chapter 62C, 62D, or 62N that contracts with the department to provide covered dental
 5.18 care services ~~to recipients on a prepaid capitation basis.~~ "Emergency services" has the
 5.19 meaning given in section 256B.0625, subdivision 4. ~~"Multiple dental plan area" means a~~
 5.20 ~~designated area in which more than one dental plan is offered.~~ "Participating provider"
 5.21 means a dentist or dental clinic who is employed by or under contract with a dental plan to
 5.22 provide dental care services to recipients. ~~"Single dental plan area" means a designated~~
 5.23 ~~area in which only one dental plan is available.~~

5.24 Sec. 6. Minnesota Statutes 2006, section 256B.037, subdivision 1b, is amended to read:

5.25 Subd. 1b. **Single dental plan areas.** After the department has executed a contract
 5.26 with a dental plan to provide covered dental care services as the sole dental plan ~~in a~~
 5.27 ~~geographic area~~ for the state, the provisions in paragraphs (a) to (c) apply.

5.28 (a) The department shall assure that applicants and recipients are informed, in
 5.29 writing, of participating providers in the dental plan and when dental plan participation
 5.30 begins.

5.31 (b) The dental plan may require the recipient to select a specific dentist or dental
 5.32 clinic and may assign to a specific dentist or dental clinic recipients who fail to notify
 5.33 the dental plan of their selection.

5.34 (c) If assignment is made, the dental plan shall notify recipients in writing of their
 5.35 assigned providers ~~before the effective date of dental plan participation.~~

6.1 Sec. 7. Minnesota Statutes 2006, section 256B.037, is amended by adding a
6.2 subdivision to read:

6.3 Subd. 2a. **Dental advisory committee.** The dental plan administrator shall establish
6.4 a dental advisory committee to assist the plan in the development and implementation
6.5 of statewide dental administration. The advisory committee shall include participating
6.6 providers, including representatives of private practice dentistry, community clinics,
6.7 public health, and the commissioner of human services. The advisory committee shall
6.8 develop strategies for recruitment and retention of participating providers.

6.9 Sec. 8. Minnesota Statutes 2006, section 256B.037, subdivision 4, is amended to read:

6.10 Subd. 4. **Information required by commissioner.** A contractor shall submit
6.11 encounter-specific information as required by the commissioner, including, but not limited
6.12 to, information required for assessing client satisfaction, quality of care, and cost and
6.13 utilization of services. ~~Dental plans~~ The contractor and participating providers must
6.14 provide the commissioner access to recipient dental records to monitor compliance with
6.15 the requirements of this section.

6.16 Sec. 9. Minnesota Statutes 2006, section 256B.037, is amended by adding a
6.17 subdivision to read:

6.18 Subd. 5a. **Critical access dental providers.** A dental plan awarded a contract under
6.19 this section must comply with increased reimbursements to critical access dental providers
6.20 as required under section 256B.76, paragraph (c), or other increased reimbursements
6.21 required by the commissioner.

6.22 Sec. 10. **COMMUNITY DENTAL HEALTH COORDINATOR.**

6.23 The commissioner of health shall study the feasibility of the creation and use of
6.24 community dental health coordinators to help provide dental care access and education
6.25 to specific populations in need of dental care under state programs. The commissioner
6.26 shall consider the education and training requirements of this new position as developed
6.27 by the American Dental Association and the success of this position in other states
6.28 piloting the use of community dental health coordinators. The commissioner shall report
6.29 to the legislature by January 2009 on whether the state should consider certification or
6.30 registration of community dental health coordinators in Minnesota.

6.31 Sec. 11. **REVISOR'S INSTRUCTION.**

6.32 The revisor of statutes shall change the references in clauses (1) to (4) as follows:

7.1 (1) In Minnesota Statutes, section 144.608, subdivision 1, change "144.1501,
7.2 subdivision 1, paragraph (b)" to "144.1501, subdivision 1, paragraph (d)";

7.3 (2) In Minnesota Statutes, section 144.608, subdivision 1, change "144.1501,
7.4 subdivision 1, paragraph (h)" to "144.1501, subdivision 1, paragraph (j)";

7.5 (3) In Minnesota Statutes, section 144.608, subdivision 1, change "144.1501,
7.6 subdivision 1, paragraph (j)" to "144.1501, subdivision 1, paragraph (m)"; and

7.7 (4) In Minnesota Statutes, section 147A.08, change "144.1501, subdivision 1,
7.8 paragraphs (f), (h), and (i)" to "144.1501, subdivision 1, paragraphs (h), (j), and (l)".

7.9 Sec. 12. **REPEALER.**

7.10 Minnesota Statutes 2006, section 256B.037, subdivisions 1a, 1c, 2, 5, and 6, are
7.11 repealed.